

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

3/8/22

In the Matter of the Tracking of
(Identify the person, property, or object to be tracked)
A UNITED STATES POSTAL SERVICE
PRIORITY MAIL PACKAGE WITH
TRACKING NUMBER 9505513180282062633584

Case No. 3:22-mj-85

TRACKING WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government shows there is reason to believe that the person, property, or object described above has been involved in and likely will continue to be involved in the criminal activity identified in the application, and ☒ is located in this district; ☐ is not now located in this district, but will be at execution; ☐ the activity in this district relates to domestic or international terrorism; ☐ other:

I find that the affidavit(s), and any recorded testimony, establish probable cause to believe that
(check the appropriate box) ☐ using the object ☒ installing and using a tracking device
to monitor the location of the person, property, or object will satisfy the purpose set out in Fed. R. Crim. P. 41(c) for issuing a warrant.

☐ I find entry into the following vehicle or onto the following private property to be necessary without approval or knowledge of the owner, custodian, or user of the vehicle or property for installing, maintaining, and removing the tracking device:

YOU ARE COMMANDED to execute this warrant and begin use of the object or complete any installation authorized by the warrant by March 18, 2022 (no later than 10 days from the date this warrant was issued) and may continue to use the device until April 15, 2022 (no later than 45 days from the date this warrant was issued). The tracking may occur within this district or another district. To install, maintain, or remove the device, you may enter (check boxes as appropriate)

☐ into the vehicle described above ☐ onto the private property described above
☐ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good cause has been established.

Within 10 calendar days after the use of the tracking device has ended, the officer executing this warrant must both return it to (United States Magistrate Judge) Peter B. Silvain, Jr and — unless delayed notice is authorized below — serve a copy of the warrant on the person who, or whose property or object, was tracked.

☒ Pursuant to 18 U.S.C. § 3103a(b)(1), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and this warrant prohibits the seizure of any tangible property or any wire or electronic communications (as defined in 18 U.S.C § 2510). I therefore authorize the officer executing this warrant to delay notice to the person who, or whose property or object, will be tracked (check the appropriate box)

☒ for 30 days (not to exceed 30) ☐ until, the facts justifying, the later specific date of _____.

Date and time issued: 03/08/2022 5:30pm

City and state: Dayton, OH

Peter B. Silvain, Jr.
United States Magistrate Judge



AO 104 (Rev. 07/16) Tracking Warrant (Page 2)

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Return of Tracking Warrant With Installation

1. Date and time tracking device installed: _____
2. Dates and times tracking device maintained: _____
3. Date and time tracking device removed: _____
4. The tracking device was used from *(date and time)*: _____
to *(date and time)*: _____.

Return of Tracking Warrant Without Installation

1. Date warrant executed: _____
2. The tracking information was obtained from *(date and time)*: _____
to *(date and time)*: _____.

Certification

I declare under the penalty of perjury that this return is correct and was returned along with the original warrant to the designated judge.

Date: _____

Executing officer's signature

Printed name and title

AO 102 (01/09) Application for a Tracking Warrant (modified by USAO for telephone or other reliable electronic means)

UNITED STATES DISTRICT COURT
for the
Southern District of Ohio

FILED
RICHARD W. NAGEL
CLERK OF COURT

3/8/22

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
WEST. DIV. DAYTON

In the Matter of the Tracking of)
(Identify the person to be tracked or describe)
the object or property to be used for tracking))
A UNITED STATES POSTAL SERVICE)
PRIORITY MAIL PACKAGE WITH)
TRACKING NUMBER 9505513180282062633584)

Case No. 3:22-mj-85

APPLICATION FOR A TRACKING WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or attorney for the government, have reason to believe that the person, property, or object described above has been and likely will continue to be involved in one or more violations of

21 U.S.C. § 841 & 846. Therefore, in furtherance of a criminal investigation, I request authority to install and use a tracking device or use the tracking capabilities of the property or object described above to determine location. The application is based on the facts set forth on the attached sheet.

☒ The person, property, or object is located in this district.

☐ The activity in this district relates to domestic or international terrorism.

☐ The person, property, or object is not now located in this district, but will be at the time of execution.

☐ Other:

The tracking will likely reveal these bases for the warrant under Fed. R. Crim. P. 41(c): (check one or more)

☒ evidence of a crime;

☒ contraband, fruits of crime, or other items illegally possessed;

☒ property designed for use, intended for use, or used in committing a crime;

☐ a person to be arrested or a person who is unlawfully restrained.

☐ I further request, for purposes of installing, maintaining or removing the tracking device, authority to enter the following vehicle or private property, or both:

☒ Delayed notice of 30 days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Joseph L. Rossiter, Postal Inspector
Applicant's printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by _____ (specify reliable electronic means).

Date: 3/08/2022

City and state: Dayton, OH


Peter B. Silvain, Jr.
United States Magistrate Judge



IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN THE MATTER OF THE TRACKING OF :
A UNITED STATES POSTAL SERVICE : CASE NO.
PRIORITY MAIL PACKAGE WITH :
TRACKING NUMBER : UNDER SEAL
9505513180282062633584

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A TRACKING WARRANT

I, JOSEPH ROSSITER, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background

1. I am a United States Postal Inspector, having been so employed since May 2016. I am presently assigned to the Cincinnati Field Office, Pittsburgh Division of the Postal Inspection Service with investigative responsibility for southeast Indiana, and southern Ohio. Part of my investigative responsibility involves the use of the United States Mail in the transporting of narcotics and other dangerous controlled substances and financial proceeds relating thereto.
2. Based on my training and experience, I have become aware that drug traffickers frequently use Priority Mail Express, a business-oriented overnight service offered by the United States Postal Service, to transport narcotics and other dangerous controlled substances, and their proceeds or instrumentalities from the sale of the controlled substances. Based on my training and experience, I also know that drug traffickers frequently use Priority Mail with delivery confirmation, a 2-3 day service offered by the United States Postal Service. As a result of investigations and successful controlled substance prosecutions where the U.S. Mail was used, I have learned of certain characteristics indicative of other U.S Mail items previously identified as containing narcotics or other dangerous controlled substances, their proceeds or

instrumentalities from the sale of the controlled substances. Some of these characteristics include, but are not necessarily limited to or used on every occasion, the mailer using different post offices on the same day to send parcels, false or non-existent return address, the addressee is not known to receive mail at the listed delivery address, the parcel is heavily taped, the parcel is mailed from a known drug source location, labeling information contains misspellings, the label contains an illegible waiver signature, unusual odors emanating from the parcel, and the listed address is located in an area of known or suspected drug activity.

3. I submit this Affidavit in support of an application for a search warrant under Rule 41 of the Federal Rules of Criminal Procedure and 18 U.S.C. § 3117 authorizing the installation, use, monitoring, collection of data, and maintenance of a mobile global position system (GPS) tracking device and a light detection device (hereinafter collectively the “**Subject Devices**”) in a United States Postal Service Priority Mail Package (Tracking Number 9505513180282062633584) containing sham methamphetamine.
4. In the event the Court grants this application, there will be periodic monitoring of the **Subject Devices** during both daytime and nighttime hours for a period of no more than 45 days from the date the warrant is executed. The **Subject Devices** may generate GPS location information from inside private areas, such as a residence or other location not open to the public or visual surveillance.
5. This Affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. The facts set forth in this Affidavit are based on my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement

officers, interviews of witnesses, a review of records related to this investigation, communications with others who have knowledge of the events and circumstances described herein, and information gained through my training and experience.

6. Based on the facts set forth in this Affidavit, there is probable cause to believe that a violation of Title 21, United States Code, Sections 841 and 846, "Conspiracy to possess with intent to Distribute Controlled Substances" and "Attempt to possess with intent to distribute controlled substances," (hereafter "the Subject Offenses"), have been committed, are being committed, and will be committed by the individual(s) transporting the **Subject Devices**, whose identities are currently unknown, and other unknown co-conspirators within the Southern District of Ohio.
7. Specifically, there is probable cause to believe that the **Subject Devices** contained in the Priority Mail Package along with sham methamphetamine will be received by an unidentified individual(s) and potentially transported to other locations and possibly other unknown co-conspirators. Further, as explained below, there is probable cause to believe that the use of the **Subject Devices** will provide or lead to evidence, contraband, fruits, and instrumentalities of these crimes, including but not limited to, information regarding locations where the **Subject Devices** are taken and possible co-conspirators who may be at those locations.

Information about the Subject Device

8. Law enforcement investigators have placed the **Subject Devices** in a United States Postal Service Priority Mail Package (Tracking Number 9505513180282062633584) containing

sham methamphetamine.¹ This will enable investigators to monitor the movement and physical location of the **Subject Devices** wherever it may be taken in furtherance of the drug trafficking organization activity, both within and outside the Southern District of Ohio.

Background of the Investigation

1. On March 7, 2022, Postal Inspectors intercepted a package (hereinafter “the Package”) at the Cincinnati Network Distribution Center (NDC). The Package is a Priority Mail large flat rate box, bearing tracking number 9505513180282062633584, postmarked March 3, 2022, with the following address information “TIMOTHY LUCAS 3212 GARVIN RD. DAYTON, OH 45405” with a return address of “GREG JORDAN 6431 E. EL JARDIN ST. LONG BEACH, CA 90815.”
2. On March 7, 2022, I performed a check in the CLEAR database for the addressee’s information on the Package of “TIMOTHY LUCAS 3212 GARVIN RD. DAYTON, OH 45405.” CLEAR is a law enforcement database that is used as a tool by investigators designed to link subjects to a particular address. According to CLEAR, there is a “Timothy Lucas” associated with 3212 Garvin Rd, Dayton, OH 45405. Based on my prior experience as a Postal Inspector I know that sometimes those that traffic in narcotics will utilize legitimate unsuspecting persons’ names on packages to make the package appear less suspicious
3. I also performed a check in CLEAR for the sender’s information listed on the Package of

¹ The sham methamphetamine appears like real methamphetamine, but are fake.

“GREG JORDAN 6431 E. EL JARDIN ST. LONG BEACH, CA 90815.” According to CLEAR, there is no “Greg Jordan” associated with 6431 E. El Jardin St, Long Beach, CA 90815.

4. On March 7, 2022, a federal search warrant was obtained which was then executed on the Package on March 8, 2022. Upon opening the Package, it was found to contain another USPS Priority Mail box. Inside the Priority Mail box were two vacuum sealed bags wrapped in clear plastic wrap. Inside the two sealed and wrapped bags was a clear crystal substance with a total approximate weight of 4586 grams. The clear crystal substance field tested positive for methamphetamine. Methamphetamine is a Schedule II controlled substance.
5. I believe that the tracking of the **Subject Devices** will allow law enforcement to gather information regarding the locations of narcotics, proceeds of narcotics and drug trafficking activity. In particular, law enforcement intends to attempt a controlled delivery of the Package containing the sham in an effort to identify individuals who are facilitating efforts to trafficking in methamphetamines. Additionally, as I know that individuals often take to stash houses packages containing controlled substances, installation of **subject devices** in the Package may assist law enforcement to identify locations at which drug traffickers are keeping, storing or selling controlled substances.

Deployment of the Subject Device

6. Within 10 days of the issuance of this warrant, investigators will utilize an undercover officer dressed as a United States Postal Letter Carrier to deliver the Package to the addressee listed in the Southern District of Ohio. The **Subject Devices** will be installed inside the Package in

the Southern District of Ohio, and will provide GPS data as to the location of the Package, as well as alert investigators when the Package is opened (via the light detection device). I believe, based upon my training and experience and my knowledge of this case that unidentified individual(s) will potentially receive and transport the Package/**Subject Devices** in furtherance of their drug trafficking activity.

Conclusion

7. Based on the foregoing, there is probable cause to believe that violations of the Subject Offenses have been committed, are being committed, and will be committed by the recipient(s) of the Package/**Subject Devices** (as more fully described above) within the Southern District of Ohio, whose identity is unknown. There is also probable cause to believe that the use of the **Subject Devices** will provide or lead to evidence of the Subject Offenses, including but not limited to, information regarding locations where the **Subject Devices** are taken and possible co-conspirators, narcotics, and drug tools/proceeds that may be at those locations, which will constitute evidence of these criminal violations.

Request for Delaying Notice and Night Service

8. I further request, pursuant to 18 U.S.C. § 3103a(b) and Federal Rule of Criminal Procedure 41(f)(3), that the Court authorize the officer executing the warrant to delay notice until 30 days after the collection authorized by the warrant has been completed. This delay is justified because there is reasonable cause to believe that providing immediate notification of the warrant may have an adverse result, as defined in 18 U.S.C. § 2705. Based upon my

knowledge, training, and experience, it is my belief that providing immediate notice to the transporter of the **Subject Devices** may result in the flight from prosecution, the destruction of or tampering with evidence, intimidation of potential witnesses, and/or otherwise seriously jeopardize an investigation. *See* 18 U.S.C. § 3103a(b)(1).

9. I further request that the Court authorize execution of the warrant at any time of the day or night, owing to the potential need to locate the **Subject Devices**.



Joseph Rossiter
Postal Inspector
United States Postal Inspection Service

Subscribed and sworn to before me this 8th day of March, 2022.



Peter B. Silvain, Jr.
United States Magistrate Judge

